

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DASHIEK OWENS,

Plaintiff,

v.

Civil Action No. 3:07cv29

WARDEN HAYNES, et al.,

Defendants.

ORDER DENYING MOTIONS FOR DISCOVERY

This case was initiated by the *pro se* plaintiff on March 8, 2007, upon the filing of a civil rights complaint. Plaintiff was granted permission to proceed *in forma pauperis* on April 10, 2007. The Court has not yet performed a preliminary review of the complaint in accordance with 28 U.S.C. §§ 1915(e), 1915A or LR PL L 83.01, et seq. Thus, the defendants have not yet been served and no answer is currently due. This case is now before the Court on the plaintiff's Motions for discovery in the form of requests to "retrieve all the 292s within the Special Housing Unit" and Motion to "retrieve all said defendant's discoveries."

Pursuant to Rule 26(a)(1)(E)(iii), discovery is not permitted in "an action brought without counsel by a person in custody of the United States, a state, or a state subdivision," without the express permission of the Court. Because the Court has not granted plaintiff permission to take discovery, his requests are premature. In any event, pursuant to Local Rules of the Northern District of West Virginia, discovery requests are not to be filed with the Court. See LR Civ P 5.01. Accordingly, the plaintiff's Motions for Discovery (Docs. 11 and 12) are **STRIKEN** from the record. The Clerk shall remove the pleadings from the active docket.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff and counsel of record, as applicable.

DATED: October 16, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE